

UNITED STATES DISTRICT COURT

for the

Eastern District of North Carolina

United States of America

v.

Horace Thomas Brame

Date of Original Judgment: December 12, 2011

Date of Previous Amended Judgment: _____

(Use Date of Last Amended Judgment if Any)

Case No: 5:11-CR-34-1FL

USM No: 55172-056

Christopher J. Locascio

Defendant's Attorney

ORDER REGARDING MOTION FOR SENTENCE REDUCTION PURSUANT TO 18 U.S.C. § 3582(c)(2)

Upon motion of ☒ the defendant ☐ the Director of the Bureau of Prisons ☐ the court under 18 U.S.C. § 3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. § 994(u), and having considered such motion, and taking into account the policy statement set forth at USSG §1B1.10 and the sentencing factors set forth in 18 U.S.C. § 3553(a), to the extent that they are applicable,

IT IS ORDERED that the motion is:

☐ DENIED. ☒ GRANTED and the defendant's previously imposed sentence of imprisonment (as reflected in the last judgment issued) of 135 months is reduced to 114 months.

The court upwardly departed pursuant to 4A1.3, because a criminal history category of V did not adequately reflect the severity of the defendant's past criminal history or the likelihood he will commit future crimes. The court departed to a total offense level of 23 and a criminal history category of VI, which produced a guideline range of 92 to 115 months.

If the amount of time the defendant has already served exceeds this sentence, the sentence is reduced to a "Time Served" sentence, subject to an additional period of up to ten (10) days for administrative purposes of releasing the defendant.

(Complete Parts I and II of Page 2 when motion is granted)

Except as otherwise provided, all provisions of the judgment(s) dated December 12, 2011, shall remain in effect. **IT IS SO ORDERED.**

Order Date: January 8, 2016



Judge's signature

Effective Date: _____
(if different from order date)

Louise W. Flanagan, U.S. District Judge

Printed name and title